

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of Claims

1. Claims 1-17 and 29 are currently pending in the application.
2. Claim 1 has been amended. The amendments have been made without the introduction of new matter. Support for the amendment to claim 1 is found in the specification in paragraph 26.
3. New claims 30-32 have been added. Support for claims 30-32 are found in the specification at paragraph 30 and Table 1.
4. Claims 13-17, 19 and 24 have been cancelled without waiver or prejudice.
5. Applicants reserve the right to pursue the subject matter of any currently withdrawn or cancelled claims in one or more continuing applications.
6. Following the above amendments claims 1-12 and 29-32 remain pending in the application.

II. Claim Rejections under 35 U.S.C. §103(a)

7. Claims 1-17 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Athwal et al.*, (WO01/94585) (hereafter the '585 publication) in view of *Relton*, (WO97/45140) (hereafter the '140 publication). Applicants respectfully traverse this rejection.
8. Claims 13-17 have been cancelled without waiver or prejudice.
9. It is respectfully submitted that a *prima facie* rejection under 35 U.S.C. §103(a) has not been properly established by the combined teachings of the '585 and '140 publications. As the teachings of the '585 and '140 publications are directed to different antibody formulations, with the '585 publication is directed to an antibody - nonproteinaceous polymer formulation while the '140 publication only teaches antibody formulations without nonproteinaceous polymer, one of skill in the art would not have been motivated to combine the teachings of the two publications believing to have a reasonable expectation of success in producing Applicants' stable antibody-nonproteinaceous polymer formulation as noted in claim 1. *In re Dembiczak*, 50 USPQ2d 1614, 1617.

10. Further, the combined teachings of the '585 and '140 publications disclose, at most, that one of skill in the art might find it obvious to try the claimed invention. But whether a particular combination of teachings might be "obvious to try" is not a proper test of patentability. *In re Geiger*, 2 USPQ2d 1276, 1278 (Fed. Cir. 1987).
11. Applicants request that in view of above reasoning, the Examiner reconsider and withdraw the rejection of claims 1-12 under 35 U.S.C. §103 (a) as being unpatentable over *Athwol et al.*, in view of *Relton*.
12. Claims 1 and 29 were rejected under 35 USC §103 (a) as being unpatentable over *Athwol et al.*, (WO 01/94585) in view of *Relton* (WO 97/45140). Applicants respectfully traverse this rejection.
13. Claims 1 and 29 have been rejected as being obvious over the combined teaching of the '585 and '140 publications. For the reasons noted above, it is submitted that a prima facie obviousness rejection has not been properly established. The '140 publication fails to teach stabilization of an antibody having a covalently attached nonproteinaceous polymer.
14. Claim 29 is written to be dependent on claim 1 and this should be allowable with its patent claim. *In re Fine*, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).
15. Applicants request reconsideration of claims 1 and 29 and the withdrawal of the rejection under 35 USC §103 (a).

III. Conclusion

16. Applicants submit that all the grounds for rejection of the pending claims have now been overcome and that all the claims are now in condition for allowance, which action is respectfully requested.

In the event that the Examiner wishes to discuss any aspect of this communication, please contact the undersigned Attorney at the telephone number provided below.

Respectfully submitted,



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